

REMARKS

Claims 4 and 5 are pending in this application.

Applicant has amended claim 4, and has canceled claims 1-3 and 6. These changes do not introduce any new matter.

In light of Applicant's election of claims 4-6 for prosecution on the merits, Applicant has canceled claims 1-3. Applicant reserves the right to pursue non-elected claims 1-3 in a timely filed divisional application.

Applicant respectfully requests reconsideration of the rejection of claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over *Arthur et al.* (U.S. Patent No. 5,049,898) in view of *Sakamoto et al.* (U.S. Patent No. 5,719,686) and *Skene et al.* (U.S. Patent No. US 6,616,260 B2). As will be explained in more detail below, the combination of *Arthur et al.* in view of *Sakamoto et al.* and *Skene et al.* would not have suggested to one having ordinary skill the art the subject matter defined in independent claim 4, as amended herein.

Applicant has amended independent claim 4 to include the subject matter specified in original claim 6. In light of the changes made to claim 4, Applicant has canceled claim 6.

In support of the obviousness rejection, the Examiner alleges that the *Arthur et al.* reference discloses that "the memory devices are written to when they are in a position in which the reservoirs cannot be removed ([F]ig. 2, as clearly shown in the figure, the reservoir is not physically removable from its respective mount when its memory is being accessed by the reading device)." Office Action at page 2. Applicant respectfully traverses the Examiner's characterization of the *Arthur et al.* reference relative to the claimed subject matter.

The ink cartridge shown in the *Arthur et al.* reference is configured to be vertically detached from a printer (see Figures 1 and 2). On the other hand, magnetic read/write head 44 is arranged in the horizontal direction. As such, even if the magnetic read/write head 44

faces the ink cartridge memory, it does not pose any obstacle for vertical detachment of the cartridge. In other words, even if the ink cartridge is in position to communicate with the magnetic read/write head 44, the ink cartridge is allowed to be detached from the printer. In contrast, the claimed subject matter specifies that the operation of determining whether communication is possible with each of the memory devices is accomplished when the plurality of print recording material reservoirs has been moved to a position in which the print recording material reservoirs cannot be removed (see, e.g., Figure 5 and Paragraphs 50-52 of Applicant's specification for information regarding movement of the ink cartridges between the home position and the ink replacement position). The *Arthur et al.* reference does not disclose or suggest conducting the determining operation specified in claim 4 when the print recording material reservoirs have been moved to a position in which they cannot be removed.

Neither the *Sakamoto et al.* reference nor the *Skene et al.* reference cures the above-discussed deficiency of the *Arthur et al.* reference relative to the method defined in claim 4. Thus, the combination of *Arthur et al.* in view of *Sakamoto et al.* and *Skene et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in claim 4.

Accordingly, for at least the foregoing reasons, independent claim 4, as amended herein, is patentable under 35 U.S.C. § 103(a) over the combination of *Arthur et al.* in view of *Sakamoto et al.* and *Skene et al.* Claim 5, which depends from claim 4, is likewise patentable under 35 U.S.C. § 103(a) over the combination of *Arthur et al.* in view of *Sakamoto et al.* and *Skene et al.* for at least the same reasons set forth above regarding claim 4.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 4 and 5, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the

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Examiner may reach the undersigned at **(408) 749-6902**. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP018A).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. Martine', with a long horizontal flourish extending to the right.

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